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08-02-01

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08/01/01

11040 U.S. PTO

**UTILITY PATENT APPLICATION TRANSMITTAL
(Small Entity)**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
BLP:101 (a) US-CIPTotal Pages in this Submission
48**TO THE ASSISTANT COMMISSIONER FOR PATENTS****Box Patent Application****Washington, D.C. 20231**

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

Spectral Catalysts

and invented by:

Juliana H. J. Brooks and Bentley J. Blum

10857 U.S. PTO
09/919679

08/01/01

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:☒ **C ntinuation** ☐ **Divisional** ☐ **Continuation-in-part (CIP)** of prior application No.: 09/460,025

Which is a:

☐ **Continuation** ☒ **Divisional** ☐ **Continuation-in-part (CIP)** of prior application No.: 09/098,883Which *claims the benefit of U.S. Provisional Application Ser. No. 60/049,910 Filed June, 18,*☐ **Continuation** ☐ **Divisional** ☐ **Continuation-in-part (CIP)** of prior application No.: 1997

Enclosed are:

Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 32 pages and including the following:
 - a. ☒ Descriptive Title of the Invention
 - b. ☒ Cross References to Related Applications (if applicable)
 - c. ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
 - d. ☐ Reference to Microfiche Appendix (if applicable)
 - e. ☒ Background of the Invention
 - f. ☒ Brief Summary of the Invention
 - g. ☐ Brief Description of the Drawings (if drawings filed)
 - h. ☒ Detailed Description
 - i. ☒ Claim(s) as Classified Below
 - j. ☒ Abstract of the Disclosure

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48

Application Elements (Continued)

3. ☐ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
a. ☐ Formal b. ☐ Informal Number of Sheets _____
4. ☒ Oath or Declaration
a. ☐ Newly executed *(original or copy)* ☐ Unexecuted
b. ☒ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
c. ☒ With Power of Attorney ☐ Without Power of Attorney
d. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application,
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☒ Incorporation By Reference *(usable if Box 4b is checked)*
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under
Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby
incorporated by reference therein.
6. ☐ Computer Program in Microfiche
7. ☐ Genetic Sequence Submission *(if applicable, all must be included)*
a. ☐ Paper Copy
b. ☐ Computer Readable Copy
c. ☐ Statement Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts

8. ☒ Assignment Papers *(cover sheet & documents)* COPY FROM PREVIOUS APPLICATION
9. ☐ 37 CFR 3.73(b) Statement *(when there is an assignee)*
10. ☐ English Translation Document *(if applicable)*
11. ☐ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS Citations
12. ☐ Preliminary Amendment
13. ☒ Acknowledgment postcard
14. ☒ Certificate of Mailing
☐ First Class ☒ Express Mail *(Specify Label No.):* ET603970411US

**UTILITY PATENT APPLICATION TRANSMITTAL
(Small Entity)**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
BLP:101 (a) US-CIP

Total Pages in this Submission
48

Accompanying Application Parts (Continued)

15. ☐ Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
16. ☒ Small Entity Statement(s) - Specify Number of Statements Submitted: 1
17. ☒ Additional Enclosures *(please identify below)*:

Please send all correspondence to: The Law Offices of Mark G. Mortenson
Post Office Box 310, North East, MD 21901-0310 USA
Tel: (410)287-8795 Fax: (410)287-5046 - Reg. No. 31,182

Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)

8. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

Warning

An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

UTILITY PATENT APPLICATION TRANSMITTAL
(Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
BLP:101 (a) US-CIP

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48

Fee Calculation and Transmittal

CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	15	- 20 =	0	x \$9.00	\$0.00
Indep. Claims	2	- 3 =	0	x \$40.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$355.00
OTHER FEE (specify purpose) _____					\$0.00
TOTAL FILING FEE					\$355.00

- ☒ A check in the amount of \$355.00 to cover the filing fee is enclosed.
- ☐ The Commissioner is hereby authorized to charge and credit Deposit Account No. _____ as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of _____ as filing fee.
 - ☐ Credit any overpayment.
 - ☐ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
 - ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: August 1, 2001


Signature

MARK G. MONTENSON
Reg No 31,182

cc:

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)Applicant(s): **Juliana H. J. Brooks and Bentley J. Blum**

Docket No.

BLP:101(a) US-CIP

Serial No.

Filing Date
August 1, 2001

Examiner

Group Art Unit

Invention:

Spectral Catalysts

I hereby certify that this Spec., 28 pp; Claims, 3pp; Abs., 1pp; Dec. 9 pp; Power 1; Sm Enty, 1; Check; PC
(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under
37 CFR 1.10 in an envelope addressed to: The Commissioner of Patents and Trademarks, Washington, D.C.

20231-0001 on August 1, 2001
(Date)

Deborah A. Facciolo

(Typed or Printed Name of Person Mailing Correspondence)


(Signature of Person Mailing Correspondence)ET603970411US

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Juliana H.J. Brooks
Application Serial No. 09/460,025
Filed: December 13, 1999
For: SPECTRAL CATALYSTS

CERTIFICATE OF MAILING
37 C.F.R. 1.8

I hereby certify that this petition is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date below:

7/6/00 DATE *M. J. [Signature]* SIGNATURE

PETITION FOR CORRECTION OF INVENTORSHIP IN A
PATENT APPLICATION UNDER 37 CFR §1.48(a)

Honorable Commissioner of Patents and Trademarks
Washington, DC 20231



Dear Sir:

Pursuant to 37 C.F.R. §1.48(a) Applicant petitions for adding a name of a person who was inadvertently not named as an inventor in the above-identified patent application.

On December 13, 1999 a Patent Application Serial No. 09/460,025 was filed in the United States Patent and Trademark Office. The application named a single inventor, namely, Juliana H.J. Brooks. However, Bentley J. Blum through error and without any deceptive intent was inadvertently not named as an inventor. After reviewing the claims of the application, Bentley J. Blum submits that he contributed to the subject matter claimed in the application. Accordingly, Bentley J. Blum is requesting addition of his name to the application as a named inventor. His statement is attached pursuant to 37 C.F.R. §1.48(a)(1).

Pursuant to 37 C.F.R. §1.48(a) an amendment is included which is being filed in the above-identified provisional application to amend the inventorship according to 35 U.S.C. §116.

Pursuant to 37 C.F.R. §1.48(a)(4) the written consent of the assignee signed by a party authorized to act on behalf of the assignee is included.

Pursuant to 37 C.F.R. §1.17(i), a check in the amount of \$130.00 is included which is the fee for correcting inventorship in a patent application.

May 31, 2000

Respectfully Submitted,



Marianne Fuierer
Attorney of Record
Reg. No. 39,983
(716) 689-8837

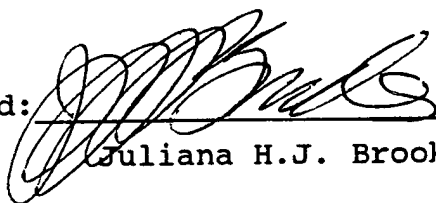
LAW OFFICES OF HOWARD M. ELLIS
200 John James Audubon Parkway
Amherst, New York 14228

STATEMENT OF PETITIONER

I, Juliana H.J. Brooks, hereby state that through error without deceptive intent, Bentley J. Blum was inadvertently not named as an inventor in Patent Application Serial No., 09/460,025 filed on December 13, 2000.

For: SPECTRAL CATALYSTS

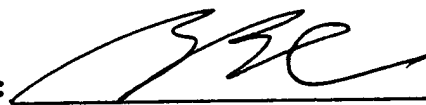
Date: June 12, 2000

Signed: 
Juliana H.J. Brooks

I, Bentley J. Blum, hereby state that through error without deceptive intent, I was inadvertently not named as an inventor in Patent Application Serial No., 09/460,025 filed on December 13, 1999.

For: SPECTRAL CATALYSTS

Date: June 13, 2000

Signed: 
Bentley J. Blum

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Juliana H.J. Brooks

Serial No: 09/098,883

Filed: June 17, 1998

For: SPECTRAL CATALYSTS

CERTIFICATE OF MAILING
37 C.F.R. 1.8

I hereby certify that this amendment is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date below:

7/6/00 DATE *M. Fuierer* SIGNATURE

AMENDMENT OF PATENT APPLICATION UNDER 37 C.F.R. §1.48(a)

Assistant Commissioner for Patents
Washington, DC 20231



Dear Sir:

Pursuant to 37 C.F.R. §1.48(a) applicant request that the above-identified patent application be amended.

Please remove the existing Declaration and Power of Attorney Form in the file of the above-identified application and replace with the enclosed newly executed Declaration and Power of Attorney signed by joint inventors Juliana H.J. Brooks and Bentley J. Blum.

Respectfully submitted,

Marianne Fuierer
Attorney of Record
Reg. No. 39,983

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Juliana H. J. Brooks

Serial No: 09/460,025

Filed: December 13, 1999

For: SPECTRAL CATALYSTS

CERTIFICATE OF MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date below:

7/6/00 DATE M. J. Brooks SIGNATURE

CONSENT OF ASSIGNEE

Pursuant to 37 C.F.R. §1.48(a)(4), I, Juliana H. J. Brooks as President of Berkshire Laboratories, Inc., having the authority to act on behalf of Berkshire Laboratories the assignee of the subject matter disclosed in the above-identified patent application, do hereby grant consent to the addition of Bentley J. Blum as a named inventor because he was inadvertently not name as an inventor through error and without any deceptive intent.

Pursuant to 37 C.F.R. §3.73 (b) assignee has included a Certificate Under 37 C.F.R. §3.73 (b) and the attached document to establish ownership of the subject matter of the above identified application.

Date: June 12, 2000

Signed: _____

Juliana H.J. Brooks
as President
Berkshire Laboratories, Inc.

1c857 U.S. PTO
09/919679
08/01/01